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FILED

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IRIS Y. MARTINEZ

CIRCUIT CLERK

COOK COUNTY, IL

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

LYNN SAMARTINO,)

)

15855550

Plaintiff,)

)

vs.)

Case No.: 2021L012199

)

ARAMARK FACILITY SERVICES, LLC,)

)

ARAMARK SERVICES, INC., and)

)

ARAMARK MANAGEMENT SERVICES)

)

LIMITED PARTNERSHIP,)

)

Defendants.)

COMPLAINT AT LAW

NOW COMES the Plaintiff, LYNN SAMARTINO, by and through her attorneys, DWORKIN & MACIARIELLO, and in complaining of the Defendants, ARAMARK FACILITY SERVICES, LLC, a foreign limited liability company (hereinafter referred to as "ARAMARK FACILITY"), ARAMARK SERVICES, INC, a foreign corporation (hereinafter referred to as "ARAMARK SERVICES"), and ARAMARK MANAGEMENT SERVICES LIMITED PARTNERSHIP (hereinafter referred to as "ARAMARK MANAGEMENT") states and alleges as follows:

COUNT I.

1. That on or about December 12, 2019, and at all relevant times, the Defendant, ARAMARK FACILITY was a limited liability company doing business in the State of Illinois.

2. That at all times relevant hereto, Jonathan Y Scammon Public School was a Chicago Public School located at 4201 W. Henderson St., Chicago, Illinois 60641.

3. That at all times relevant hereto the Defendant, ARAMARK FACILITY, was contracted, assigned, and/or responsible to manage, maintain, control, and perform janitorial

Exhibit A

services for the Chicago Public Schools, including at Jonathan Y Scammon Public School, a Chicago Public School, located at 4201 W. Henderson St., Chicago, Illinois 60641.

4. That at all times relevant hereto, the Plaintiff, LYNN SAMARTINO, was an employee of Jonathan Y Scammon Public School, a Chicago Public School Defendant, ARAMARK FACILITY, located at 4201 W. Henderson St., Chicago, Illinois 60641.

5. At the aforesaid time and place, the Plaintiff, LYNN SAMARTINO, was lawfully on the Defendant's premises in the first floor teacher's lounge bathroom when she slipped and fell on a puddle of water.

6. At the aforesaid time and place, and at all times relevant, the Plaintiff, LYNN SAMARTINO, was in the exercise of ordinary care for her own safety.

7. At the aforesaid time and place, and at all times relevant, the Defendant, ARAMARK FACILITY, individually and/or by and through its agents, servants, and/or employees, had a duty to exercise ordinary care and caution for those persons legally on the 4201 W. Henderson St., Chicago, Illinois 60641, including the Plaintiff, LYNN SAMARTINO, to provide a reasonably safe and proper condition on the premises, including but not limited to remedying any dangerous conditions and to warn its invitees of any dangerous conditions existing on the surface of its floors, including but not limited to the first floor teacher's lounge bathroom.

8. At the aforesaid time and place, and at all times relevant, and in breach of its aforementioned duty, the Defendant, ARAMARK FACILITY, individually and/or by and through its agents, servants, and/or employees, was negligent in one or more of the following respects:

- a) Failed to use ordinary care to keep and maintain the premises, including but not limited the floors near the dairy section, in a proper and safe condition;

- b) Created the puddle of water while performing janitorial services in the bathroom;
- c) Allowed said puddle of water to remain upon the surface of the floor the teacher's lounge bathroom, thereby causing a dangerous and hazardous condition for those persons legally and lawfully using the premises, including the Plaintiff;
- d) Allowed said puddle of water to remain on the surface of the floor of the first floor teacher's lounge bathroom even though it knew or reasonably should have known of the dangerous condition it created for invitees legally on the premises, including the Plaintiff;
- e) Failed to timely inspect the floors of its premises, including but not limited to the first floor teacher's lounge bathroom, thereby failing to keep the premises free of any foreign, unnatural, or dangerous substances;
- f) Failed to place any warning signs notifying the Plaintiff or any other invitee lawfully on the premises of the hazardous, unnatural, and dangerous condition existing on the floor of first floor teacher's lounge and of any other potential and foreseeable dangers; and
- g) Was otherwise negligent and careless in the operation and/or maintenance of Jonathan Y Scammon Elementary School, a Chicago public school located at 4201 W. Henderson St., Chicago, IL

9. That on or about December 12, 2019, and at all relevant times, as a direct and proximate result of one or more of the aforementioned negligent acts and/or omissions on the part of the Defendant, ARAMARK FACILITY, the Plaintiff, LYNN SAMARTINO, suddenly and without warning slipped and fell on a puddle of water located in the first floor teacher's lounge bathroom at Jonathan Y Scammon Elementary School, a Chicago public school located at 4201 W. Henderson St., Chicago, IL premises, causing her to sustain severe bodily injuries and suffer acute and prolonged physical and mental pain and anguish by reason of which Plaintiff has expended large sums of money for medical care and attention to her injuries and will in the future incur such further obligations; Plaintiff has endured pain and suffering in the past and will have pain and suffering in the future; Plaintiff has suffered disability and will suffer disability in

the future; and Plaintiff has incurred and will incur extensive medical expenses all as a result of the injuries received.

WHEREFORE, the Plaintiff, LYNN SAMARTINO, by and through her attorneys, DWORKIN & MACIARIELLO, prays that a judgment be entered against the Defendant, ARAMARK FACILITY, LLC, in a sum in excess of \$50,000.00 or such other amount which will fairly, reasonably and adequately compensate her for her injuries and damages, together with her costs of bringing this suit.

COUNT II.

1. That on or about December 12, 2019, and at all relevant times, the Defendant, ARAMARK SERVICES, was a foreign corporation doing business in the State of Illinois.
2. That at all times relevant hereto, Jonathan Y Scammon Public School was a Chicago Public School located at 4201 W. Henderson St., Chicago, Illinois 60641.
3. That at all times relevant hereto the Defendant, ARAMARK SERVICES, was contracted, assigned, and/or responsible to manage, maintain, control, and perform janitorial services for the Chicago Public Schools including Jonathan Y Scammon Public School, a Chicago Public School, located at 4201 W. Henderson St., Chicago, Illinois 60641.
4. That at all times relevant hereto, the Plaintiff, LYNN SAMARTINO, was an employee of Jonathan Y Scammon Public School, a Chicago Public School Defendant, ARAMARK SERVICES, located at 4201 W. Henderson St., Chicago, Illinois 60641.
5. At the aforesaid time and place, the Plaintiff, LYNN SAMARTINO, was lawfully on the Defendant's premises in the first floor teacher's lounge bathroom when she slipped and fell on a puddle of water.
6. At the aforesaid time and place, and at all times relevant, the Plaintiff, LYNN

SAMARTINO, was in the exercise of ordinary care for her own safety.

7. At the aforesaid time and place, and at all times relevant, the Defendant, ARAMARK SERVICES, individually and/or by and through its agents, servants, and/or employees, had a duty to exercise ordinary care and caution for those persons legally on the 4201 W. Henderson St., Chicago, Illinois 60641, including the Plaintiff, LYNN SAMARTINO, to provide a reasonably safe and proper condition on the premises, including but not limited to remedying any dangerous conditions and to warn its invitees of any dangerous conditions existing on the surface of its floors, including but not limited to the first floor teacher's lounge bathroom.

8. At the aforesaid time and place, and at all times relevant, and in breach of its aforementioned duty, the Defendant, ARAMARK SERVICES, individually and/or by and through its agents, servants, and/or employees, was negligent in one or more of the following respects:

- a) Failed to use ordinary care to keep and maintain the premises, including but not limited the floors near the dairy section, in a proper and safe condition;
- b) Created the puddle of water while performing janitorial services in the bathroom;
- c) Allowed said puddle of water to remain upon the surface of the floor the teacher's lounge bathroom, thereby causing a dangerous and hazardous condition for those persons legally and lawfully using the premises, including the Plaintiff;
- d) Allowed said puddle of water to remain on the surface of the floor of the first floor teacher's lounge bathroom even though it knew or reasonably should have known of the dangerous condition it created for invitees legally on the premises, including the Plaintiff;
- e) Failed to timely inspect the floors of its premises, including but not limited to the first floor teacher's lounge bathroom, thereby failing to keep the premises free of any foreign, unnatural, or dangerous substances;
- f) Failed to place any warning signs notifying the Plaintiff or any other invitee lawfully on the premises of the hazardous, unnatural, and dangerous condition

existing on the floor of first floor teacher's lounge and of any other potential and foreseeable dangers; and

- g) Was otherwise negligent and careless in the operation and/or maintenance of Jonathan Y Scammon Elementary School, a Chicago public school located at 4201 W. Henderson St., Chicago, IL

9. That on or about December 12, 2019, and at all relevant times, as a direct and proximate result of one or more of the aforementioned negligent acts and/or omissions on the part of the Defendant, ARAMARK SERVICES, the Plaintiff, LYNN SAMARTINO, suddenly and without warning slipped and fell on a puddle of water located in the first floor teacher's lounge bathroom at Jonathan Y Scammon Elementary School, a Chicago public school located at 4201 W. Henderson St., Chicago, IL premises, causing her to sustain severe bodily injuries and suffer acute and prolonged physical and mental pain and anguish by reason of which Plaintiff has expended large sums of money for medical care and attention to her injuries and will in the future incur such further obligations; Plaintiff has endured pain and suffering in the past and will have pain and suffering in the future; Plaintiff has suffered disability and will suffer disability in the future; and Plaintiff has incurred and will incur extensive medical expenses all as a result of the injuries received.

WHEREFORE, the Plaintiff, LYNN SAMARTINO, by and through her attorneys, DWORKIN & MACIARIELLO, prays that a judgment be entered against the Defendant, ARAMARK SERVICES, INC., in a sum in excess of \$50,000.00 or such other amount which will fairly, reasonably and adequately compensate her for her injuries and damages, together with her costs of bringing this suit.

COUNT III.

1. That on or about December 12, 2019, and at all relevant times, the Defendant, ARAMARK FACILITY was a limited liability company doing business in the State of Illinois.

2. That at all times relevant hereto, Jonathan Y Scammon Public School was a Chicago Public School located at 4201 W. Henderson St., Chicago, Illinois 60641.

3. That at all times relevant hereto the Defendant, ARAMARK MANAGEMENT, was contracted, assigned, and/or responsible to manage, maintain, control, and perform janitorial services for the Chicago Publics Schools, including Jonathan Y Scammon Public School, a Chicago Public School, located at 4201 W. Henderson St., Chicago, Illinois 60641.

4. That at all times relevant hereto, the Plaintiff, LYNN SAMARTINO, was an employee of Jonathan Y Scammon Public School, a Chicago Public School Defendant, ARAMARK MANAGEMENT, located at 4201 W. Henderson St., Chicago, Illinois 60641.

5. At the aforesaid time and place, the Plaintiff, LYNN SAMARTINO, was lawfully on the Defendant's premises in the first floor teacher's lounge bathroom when she slipped and fell on a puddle of water.

6. At the aforesaid time and place, and at all times relevant, the Plaintiff, LYNN SAMARTINO, was in the exercise of ordinary care for her own safety.

7. At the aforesaid time and place, and at all times relevant, the Defendant, ARAMARK MANAGEMENT, individually and/or by and through its agents, servants, and/or employees, had a duty to exercise ordinary care and caution for those persons legally on the 4201 W. Henderson St., Chicago, Illinois 60641, including the Plaintiff, LYNN SAMARTINO, to provide a reasonably safe and proper condition on the premises, including but not limited to remedying any dangerous conditions and to warn its invitees of any dangerous conditions existing on the surface of its floors, including but not limited to the first floor teacher's lounge bathroom.

8. At the aforesaid time and place, and at all times relevant, and in breach of its aforementioned duty, the Defendant, ARAMARK MANAGEMENT, individually and/or by and through its agents, servants, and/or employees, was negligent in one or more of the following respects:

- h) Failed to use ordinary care to keep and maintain the premises, including but not limited to the floors near the dairy section, in a proper and safe condition;
- i) Created the puddle of water while performing janitorial services in the bathroom;
- j) Allowed said puddle of water to remain upon the surface of the floor of the teacher's lounge bathroom, thereby causing a dangerous and hazardous condition for those persons legally and lawfully using the premises, including the Plaintiff;
- k) Allowed said puddle of water to remain on the surface of the floor of the first floor teacher's lounge bathroom even though it knew or reasonably should have known of the dangerous condition it created for invitees legally on the premises, including the Plaintiff;
- l) Failed to timely inspect the floors of its premises, including but not limited to the first floor teacher's lounge bathroom, thereby failing to keep the premises free of any foreign, unnatural, or dangerous substances;
- m) Failed to place any warning signs notifying the Plaintiff or any other invitee lawfully on the premises of the hazardous, unnatural, and dangerous condition existing on the floor of first floor teacher's lounge and of any other potential and foreseeable dangers; and
- n) Was otherwise negligent and careless in the operation and/or maintenance of Jonathan Y Scammon Elementary School, a Chicago public school located at 4201 W. Henderson St., Chicago, IL

9. That on or about December 12, 2019, and at all relevant times, as a direct and proximate result of one or more of the aforementioned negligent acts and/or omissions on the part of the Defendant, ARAMARK MANAGEMENT, the Plaintiff, LYNN SAMARTINO, suddenly and without warning slipped and fell on a puddle of water located in the first floor teacher's lounge bathroom at Jonathan Y Scammon Elementary School, a Chicago public school

located at 4201 W. Henderson St., Chicago, IL premises, causing her to sustain severe bodily injuries and suffer acute and prolonged physical and mental pain and anguish by reason of which Plaintiff has expended large sums of money for medical care and attention to her injuries and will in the future incur such further obligations; Plaintiff has endured pain and suffering in the past and will have pain and suffering in the future; Plaintiff has suffered disability and will suffer disability in the future; and Plaintiff has incurred and will incur extensive medical expenses all as a result of the injuries received.

WHEREFORE, the Plaintiff, LYNN SAMARTINO, by and through her attorneys, DWORKIN & MACIARIELLO, prays that a judgment be entered against the Defendant, ARAMARK MANAGEMENT SERVICES LIMITED PARTNERSHIP, in a sum in excess of \$50,000.00 or such other amount which will fairly, reasonably and adequately compensate her for her injuries and damages, together with her costs of bringing this suit.

Respectfully Submitted:

By: /s/ David Rabinowitz
Attorney for Plaintiff

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LYNN SAMARTINO,)	
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Plaintiff,)	
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vs.)	Case No.: 2021L012199
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ARAMARK FACILITY SERVICES LLC.,)	
ARAMARK SERVICES, INC., and)	
ARAMARK MANAGEMENT SERVICES)	
LIMITED PARTNERSHIP,)	
)	
Defendants.)	

AFFIDAVIT OF DAMAGES PURSUANT TO SUPREME COURT RULE 222

The Plaintiff, LYNN SAMARTINO, by and through her attorneys, DWORKIN & MACIARIELLO, hereby certifies under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure that the Complaint in the above entitled action seeks money damages in excess of \$50,000.00.

Respectfully Submitted:

By: /s/ David Rabinowitz
Attorney for Plaintiff

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